

REMARKS

The above amendment with the following remarks is submitted to be fully responsive to the Office Action of August 10, 2006. Reconsideration of this application in light of the amendment and the allowance of this application are respectfully requested.

Claims 1-5 were pending in the present application prior to the above amendment. No claims are amended. Therefore, claims 1-5 are still pending in the present application and are believed to be in proper condition for allowance.

Referring now to the Office Action, claims 1-5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rogers, (U.S. Application No. 2003/0088878), in view of Rohlfing, (U.S. Patent No. 6,034,739). Applicants respectfully traverse this rejection.

Initially, Applicants note that Rogers, a primary reference, and Rohlfing, a secondary reference, are the two references commonly cited in all of the pending rejections. With respect to Rogers, the reference is directed to a system of broadcasting television-quality video over the Internet to a PC monitor. On the other hand, Rohlfing teaches a method of creating and using a garbage matte in filming, to mask areas of a set that will not be seen in the final composite image.

The requirements for establishing a prima facie case of obviousness, as detailed in MPEP § 2143 - 2143.03 (pages 2100-122 - 2100-136), are: first, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference to combine the teachings; second, there must be a reasonable expectation of success; and, finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations. Without the proper suggestion or motivation to combine the system of broadcasting video over the Internet with the use of a garbage matte in filming of Rohlfing, the combination of Rogers and Rohlfing is improper.

It appears the Examiner fails to appreciate the disparate technologies associated with broadcasting television-quality video over the Internet to a PC monitor or with filming using a garbage matte. As instructed in MPEP § 2141.01(a), to rely on a reference under 35 U.S.C. § 103, it must be analogous prior art. In the present case, an emulating

method in accordance with the present invention involves fundamentally different technology from that of using a garbage matte in filming. As such, one of ordinary skill in the art would not have been led to combine the teachings of Rogers' broadcasting methodology with Rohlfing's filming methodology.

Furthermore, in connection with motivation for combining the references, the Examiner states that it would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Rogers with the feature of assigning a color as a matte which is not in use. Applicants respectfully request the Examiner set forth more clearly the support for the motivation. The motivation appears not to be supplied from the prior art, but instead appears based on conjecture, which is insufficient for establishing a prima facie case of obviousness. See MPEP §§ 2143 and 2143.01.

As stated above, Rogers is directed to a system of broadcasting television-quality video over the Internet to a PC monitor. Rohlfing is directed to a method of creating and using a garbage matte in filming, to mask areas of a set that will not be seen in the final composite image.

In contrast, the present invention is a system and method for emulating the functions performed by a set-top box in order to display an enhanced video stream on a computer. When both video content and interactive content are displayed together, the positioning of each content type relative to each other should be checked to minimize the interference between the two types.

The Examiner contends that Rogers teaches “‘generating a layout file that provides time based actions that are applied to the video content and interactive content’ ... [and] ‘applying a set of rules to the layout file that produce instructions that emulate the functionality of a set-top box when applied to a browser and provides time based actions that are applied to the video and the interactive content’”. Applicants respectfully disagree.

Rogers generally discloses a GUI to control a video screen that displays movie content, as well as clickable hot spots within the video screen to obtain additional information or displays. The system allows a multi-cast of a video stream to be sent to multiple users, thus maximizing bandwidth, and also allows data to be inserted into the video screen so that the data can be displayed at precise times in other areas of the video

screen ([0059]). A high-level drawing and description merely describes possible features, without discussion of implementation (Fig. 3 and [0059]).

The independent claims 1, 4 and 5 instead describe generating a layout file and applying a set of rules to the layout file to produce instructions that emulate a set-top box. Rogers does not teach or suggest a layout file or a set of rules to produce instructions emulating a set-top box.

Additionally, the Examiner contends that Rohlfing teaches a method for “examining the interactive content to select a color that is not being used by the interactive content, assigning that color as a transparent color; locating the video content; applying the transparent color to the video content; and setting portions of the video content to be transparent”. Applicants respectfully disagree.

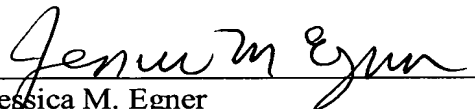
Rohlfing describes a method for creating a blue screen when filming on both a physical and virtual set, allowing the two images to be easily combined. Rohlfing describes choosing a negative color for a garbage matte, for example, choosing black and white, so that a computer can easily distinguish between the garbage matte and the “real” objects when the two films are combined.

The independent claims 1, 4 and 5 instead describe examining the content in order to select a color that is not used by the content; applying that color to the video content; and setting those portions of the video content to be transparent. Rohlfing does not teach or suggest examining any content for a particular color, then assigning that color to be transparent. Instead, Rohlfing merely designates a color and its negative to be a garbage matte. Rohlfing also does not teach or suggest applying a particular color to video content and then setting portions of the video to be transparent.

Since Rogers and Rohlfing fail to teach or suggest each and every element recited in independent claims 1, 4, and 5, alone or in combination, Applicants respectfully submit that the references cited do not render the present invention obvious. Therefore, Applicants respectfully request that the rejection of independent claims 1, 4, and 5 under 35 U.S.C. § 103(a) be withdrawn. Similarly, with regard to claims 2 and 3, incorporating additional features, and dependent upon claim 1, Applicants respectfully request that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn at least for the reasons set forth above with regard to independent claim 1.

In view of the foregoing, it is submitted that the present application is in condition for allowance, and a notice to that effect is respectfully requested. If a conference would expedite prosecution of the instant application, the Examiner is hereby invited to telephone the undersigned attorney to arrange such a conference.

Respectfully submitted,


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